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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,469	01/19/2001	Robert Charles Hartman	ESFT-001/00US	1070
22903	7590	05/12/2004	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			MAUNG, ZARNI	
ART UNIT		PAPER NUMBER		2154
DATE MAILED: 05/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/766,469	HARTMAN ET AL.
Examiner	Art Unit	
Zarni Maung	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 January 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-9 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. Claims 1-9 are presented for examination.
  
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
  
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
  
4. Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al., U.S. Patent Number 5,923,885 (hereinafter Johnson).
  
5. Johnson discloses a software management system. Johnson discloses the invention as claimed. Taking claim 1 as an exemplary claim, Johnson discloses a platform comprising: a platform server having a software subscription module configured thereon and including a communications port for establishing communication with a wide area network (see figures 1-2, server 202), the software subscription module comprising a graphic user interface and a backend support module for enabling retrieval and display of a list of available software offerings (see column 3, line 15 to column 4, line 17), selection

of a particular offering, and deselection of previously selected offerings (see abstract, column 3, lines 1-56, column 5, line 15 to column 6, line 58).

6. As per claim 2, Johnson discloses the platform of claim 1 wherein the plurality of sources comprises a plurality of application service providers (see column 5, lines 15-56).
7. As per claim 3, Johnson discloses the platform of claim 1 further comprising a database management server, the database management server being configured to interact with a plurality of platform servers and storing a list of applications to be made available to the platform servers and a plurality of lists of applications selected for use by networks associated with the platform servers (see column 5, line 15 to column 6, line 58).
8. As per claim 4, Johnson discloses the platform of claim 1 wherein the database management server is further configured to store historical data relevant to applications selected by each of the platform servers (see column 5, line 15 to column 6, line 58).
9. As per claims 6-9, they do not teach or further define over the limitations recited in claims 1-4. Therefore, claims 6-9 are rejected for the same reasons set forth in claims 1-4, supra.
10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Suzuki et al., U.S. Patent Number 6,526,406 (hereinafter Suzuki).

As per claim 5, Johnson discloses the system as set forth in claim 1, wherein Johnson does not explicitly show the use of management server which is configured to issue email instructions to persons responsible for program initiation. However, Suzuki, in the same field of endeavor, discloses the use of management server which is configured to issue email instructions to persons responsible for program initiation (see figure 44, server 120). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Johnson in view of Suzuki by including the use of management server which is configured to issue email instructions to persons responsible for program initiation so that user can receive instructions via internet email.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

System and method for electronic mail (e-mail) address management by Tsuei, U.S. Patent Number 6654779.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John Follansbee, can be reached on (703) 305-8498. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ZARNI MAUNG  
PRIMARY EXAMINER